Pac. 608. See 1 WIGMORE, EVIDENCE, § 177 (2). However, a proper predicate must first be laid showing the training and accuracy of the dog, the freshness of the trail, and that the tracks at the starting point were made by the guilty party. *State* v. *Dickerson*, 77 Ohio St. 34, 82 N. E. 969. See *Pedigo* v. *Commonwealth*, 103 Ky. 41, 50, 44 S. W. 143, 145. But even so, such evidence is rather unsatisfactory. Though the dog is impartial, his action may be influenced by the personal attendant and other factors, and, being spectacular, it tends to exert an undue influence on the minds of the jury. See J. C. McWhorter, "The Bloodhound as a Witness," 54 AM. L. REV. 109. Consequently juries should be particularly cautioned to weigh such evidence discriminatingly. *State* v. *Rasco*, 239 Mo. 535, 144 S. W. 449. It has been held that in the absence of other evidence tending to implicate the accused, the testimony of the bloodhound will not sustain a verdict of guilty. *Carter* v. *State*, 106 Miss. 507, 64 So. 215. And a few jurisdictions reject such evidence altogether. *Ruse* v. *State*, 186 Ind. 237, 115 N. E. 778; *Brott* v. *State*, 70 Neb. 395, 97 N. W. 593. It would seem, however, that the objections made go rather to the weight of the evidence than to its admissibility and do not warrant a rule of absolute exclusion.

EVIDENCE — JUDGMENT AS EVIDENCE OF A FACT — DECREE OF PROBATE COURT. — An action was brought under the Workmen's Compensation Act to recover for the death of an employee. An order of the probate court, reciting a finding that the applicant was the wife of the deceased, was admitted in the lower court as evidence of that fact. On appeal, *held*, that this evidence should not have been admitted. *Illinois Steel Co.* v. *Industrial Commission*, 125 N. E. 252 (Ill.).

For a discussion of the principles involved in this case, see NOTES, p. 850, *supra*.

EVIDENCE — STATEMENTS IN PUBLIC DOCUMENTS — ADMISSIBILITY OF CENSUS REPORT. — The accused in a criminal prosecution had made an affidavit of juvenility. As evidence tending to show the untruthfulness thereof, the prosecution produced a school census report, and the census taker testified that he had made the report offered, but he was unable to identify the person whose name was signed to the report, or state of his own knowledge that she was the mother or guardian of the accused. *Held*, that the evidence was properly admitted. *Jefferson* v. *State*, 214 S. W. 981 (Tex.).

Courts admit, as evidence of the truth of the facts stated, records made in the performance of public duty where the recorder had some opportunity of verifying the facts recorded. *The Irish Society* v. *The Bishop of Derry*, 12 Cl. & F. 641; *Evanston* v. *Gunn*, 99 U. S. 660. The purpose of a census is to secure data, under legislative authority, of general facts, such as the population of a district and similar facts of sociological interest, and to make such information public. As evidence of the population of a county or town, therefore, the federal census is properly received. *State* v. *Neal*, 25 Wash. 264, 65 Pac. 188; *Fulham* v. *Howe*, 60 Vt. 351, 14 Atl. 652. But census memoranda as to the ages of individuals are not meant to be made public, nor is the purpose of a census, usually, the registering of ages. As evidence of the minority of individuals a school census should not be received. *Campbell* v. *Everhart*, 139 N. C. 503, 52 S. E. 201. See also *Edwards* v. *Logan*, 114 Ky. 312, 329, 70 S. W. 852, 857. In the principal case the statement in the report as to the age of the accused was the unverified statement of some person whose identity could not be ascertained. Its admission seems improper.

FRAUDULENT CONVEYANCES — RIGHTS OF CREDITORS — TORT CLAIMANTS AS CREDITORS WITHIN THE STATUTE — TIME OF ACCRUAL OF RIGHT TO ATTACK THE CONVEYANCE. — The plaintiff brought an action against the

defendant for criminal conversation. While the action was pending, the defendant conveyed all his property to his wife. Thereupon the plaintiff brought a second action to set aside the conveyance as fraudulent. During the pendency of the second action he recovered judgment in the tort action. The trial court dismissed the second action, and the plaintiff appealed. *Held*, that the judgment be reversed and the conveyance set aside. *Hopkinson* v. *Westerman*, 48 D. L. R. 597 (Ontario).

The term "creditor" within the meaning of the statutes against fraudulent conveyances has been held to include owners of contingent claims arising out of contract, as well as holders of unliquidated contract claims. *Yeend* v. *Weeks*, 104 Ala. 331, 16 So. 165; *Hatfield* v. *Merod*, 82 Ill. 113; *McVeigh* v. *Ritenour*, 40 Ohio St. 107; *Johnson* v. *Blomdahl*, 90 Wash. 625, 156 Pac. 561. And by the great weight of authority it includes tortfeasees who have not yet reduced their claims to judgment. *Walradt* v. *Brown*, 6 Ill. 397; *Bishop* v. *Redmond*, 83 Ind. 157; *National Bank* v. *Beatty*, 77 N. J. Eq. 252, 76 Atl. 442. In attacking a fraudulent conveyance, a creditor may have both a legal and an equitable remedy. Pursuing the former, he may, upon obtaining judgment against the fraudulent grantor, levy execution on the property conveyed, on the theory that as to him the conveyance was void and the title is still in the grantor. *Smith* v. *Reid*, 134 N. Y. 568, 31 N. E. 1082; *Willard* v. *Masterson*, 160 Ill. 443, 43 N. E. 771. If he proceeds by a bill in equity to set aside the conveyance, a prerequisite at common law was a judgment at law and a return of execution unsatisfied. *Angell* v. *Draper*, 1 Vern. 399; *Austin* v. *Bruner*, 169 Ill. 178, 48 N. E. 449. This rule has been changed by statutes in a considerable number of states, so that a creditor may proceed in equity in the first instance. *Phelps* v. *Smith*, 116 Ind. 387, 17 N. E. 602; *Alabama Iron & Steel Co.* v. *McKeever*, 112 Ala. 134, 20 So. 84. The principal case was decided under a statute which held void conveyances made with the intent to defeat creditors and others. See 1914 ONTARIO REV. STAT., c. 105, § 3. The court brought the plaintiff within the word "others" of the statute, and held that it was not necessary that he should be a creditor at the time when the action was brought to set aside the conveyance.

GRAND JURY — SELECTION OF MEMBERS — EFFECT OF EXEMPTION OF JURORS BY COURT ON ITS OWN MOTION. — By statute there were certain classes of persons exempt from grand jury duty. The trial judge, after examining the first twelve men drawn from the panel as to their qualifications, of his own motion excused six of them. Three of the six clearly would have been entitled to exemption had they claimed it. The defendant was convicted under an indictment returned by the jury subsequently impaneled. *Held*, that the indictment be quashed. *State* v. *Smith*, 83 So. 264 (La.).

An indictment by a grand jury illegally constituted will not support a conviction. *Crowley* v. *United States*, 194 U. S. 461; *State* v. *McGarrity*, 140 La. 436, 73 So. 259. But it is not every departure from prescribed methods of selecting a grand jury that will lead to this result. Generally, where the irregularity complained of does not prejudice the defendants' cause it is not fatal to the indictment. *State* v. *Keating*, 85 Md. 188, 36 Atl. 840; *State* v. *Fidler*, 23 R. I. 41; *State* v. *Cooley*, 72 Minn. 476, 75 N. W. 729. The statute involved appears to have left the court some latitude. Assuming, however, that the judge exceeded his discretionary power, the error does not appear material. No allegation of bias was made, and the defendant's contention that the judge's act reduced unduly the element of chance which might have worked in his favor seems too remote. But where there is strong policy behind the strict enforcement of the letter of a statute, non-compliance of any sort is fatal. *Dunn* v. *United States*, 238 Fed. 508. Therefore, if the view be taken that undeviating procedure in the selection of the grand jury is essential the principal case can be sustained.